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(Original Signature of Member)

116TH CONGRESS
1ST SESSION

H. R. 2626

To encourage Federal agencies to expeditiously enter into or amend cooperative agreements with States for removal and remedial actions to address PFAS contamination in drinking, surface, and ground water and land surface and subsurface strata, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

May 9, 2019

Mr. UPTON introduced the following bill; which was referred to the Committee
on _____

A BILL

To encourage Federal agencies to expeditiously enter into or amend cooperative agreements with States for removal and remedial actions to address PFAS contamination in drinking, surface, and ground water and land surface and subsurface strata, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “PFAS Accountability
5 Act of 2019”.

1 **SEC. 2. COOPERATIVE AGREEMENTS WITH STATES FOR RE-**
2 **MOVAL AND REMEDIAL ACTIONS TO AD-**
3 **DRESS DRINKING, SURFACE, AND GROUND**
4 **WATER AND SOIL CONTAMINATION FROM**
5 **PFAS.**

6 (a) DEFINITIONS.—In this section:

7 (1) FEDERAL FACILITY.—

8 (A) IN GENERAL.—The term “Federal fa-
9 cility” means a facility (as defined in section
10 101 of the Comprehensive Environmental Re-
11 sponse, Compensation, and Liability Act of
12 1980 (42 U.S.C. 9601)) that is owned or oper-
13 ated by the Federal Government.

14 (B) INCLUSION.—The term “Federal facil-
15 ity” includes—

16 (i) a facility or site—

17 (I) owned by, leased to, or other-
18 wise possessed by the United States;
19 or

20 (II) under the jurisdiction of the
21 Secretary of Defense;

22 (ii) a facility or site that, at the time
23 of the actions leading to contamination or
24 suspected contamination of drinking water,
25 surface water, or groundwater or land sur-

1 face or subsurface strata from a
2 perfluorinated compound, was—

3 (I) owned by, leased to, or other-
4 wise possessed by the United States;
5 or

6 (II) under the jurisdiction of the
7 Secretary of Defense; and

8 (iii) land owned and operated by a
9 State when the land is used for training
10 the National Guard pursuant to chapter 5
11 of title 32, United States Code, with funds
12 provided by the Secretary of Defense or
13 the Secretary of a military department,
14 even though that land is not under the ju-
15 risdiction of the Secretary of Defense.

16 (2) FULLY FLUORINATED CARBON ATOM.—The
17 term “fully fluorinated carbon atom” means a car-
18 bon atom on which all the hydrogen substituents
19 have been replaced by fluorine.

20 (3) PERFLUORINATED COMPOUND.—The term
21 “perfluorinated compound” or means a
22 perfluoroalkyl substance or a polyfluoroalkyl sub-
23 stance (or “PFAS”) that is manmade with at least
24 1 fully fluorinated carbon atom.

1 (4) STATE.—The term “State” has the mean-
2 ing given the term in section 101 of the Comprehen-
3 sive Environmental Response, Compensation, and
4 Liability Act of 1980 (42 U.S.C. 9601).

5 (b) COOPERATIVE AGREEMENT.—

6 (1) IN GENERAL.—On request by the Governor
7 or chief executive of a State, a Federal department
8 or agency shall work expeditiously to finalize a coop-
9 erative agreement for, or to amend an existing coop-
10 erative agreement to address, testing, monitoring,
11 removal, and remedial actions to address contamina-
12 tion or suspected contamination of drinking water,
13 surface water, or groundwater or land surface or
14 subsurface strata from a perfluorinated compound
15 originating from a Federal facility.

16 (2) MINIMUM STANDARDS.—A cooperative
17 agreement finalized or amended under paragraph
18 (1) shall require the area subject to the cooperative
19 agreement to meet or exceed the most stringent of
20 the following standards for perfluorinated com-
21 pounds in any environmental media:

22 (A) An enforceable State standard, in ef-
23 fect in that State, for drinking water, surface
24 water, or groundwater or land surface or sub-
25 surface strata, as required under section 121(d)

1 of the Comprehensive Environmental Response,
2 Compensation, and Liability Act of 1980 (42
3 U.S.C. 9621(d)).

4 (B) A health advisory under section
5 1412(b)(1)(F) of the Safe Drinking Water Act
6 (42 U.S.C. 300g–1(b)(1)(F)).

7 (C) Any Federal standard, requirement,
8 criterion, or limit, including a standard, re-
9 quirement, criterion, or limit issued under—

10 (i) the Toxic Substances Control Act
11 (15 U.S.C. 2601 et seq.);

12 (ii) the Safe Drinking Water Act (42
13 U.S.C. 300f et seq.);

14 (iii) the Clean Air Act (42 U.S.C.
15 7401 et seq.);

16 (iv) the Federal Water Pollution Con-
17 trol Act (33 U.S.C. 1251 et seq.);

18 (v) the Marine Protection, Research,
19 and Sanctuaries Act of 1972 (commonly
20 known as the “Ocean Dumping Act”) (33
21 U.S.C. 1401 et seq.); or

22 (vi) the Solid Waste Disposal Act (42
23 U.S.C. 6901 et seq.).

24 (3) OTHER AUTHORITY.—In addition to the re-
25 quirements for a cooperative agreement under para-

1 graph (1), when otherwise authorized to expend
2 funds for the purpose of addressing ground or sur-
3 face water contaminated by a perfluorinated com-
4 pound, the head of a Federal department or agency
5 may, to expend those funds, enter into a grant
6 agreement, cooperative agreement, or contract
7 with—

8 (A) the local water authority with jurisdic-
9 tion over the contamination site, including—

10 (i) a public water system (as defined
11 in section 1401 of the Safe Drinking
12 Water Act (42 U.S.C. 300f)); and

13 (ii) a publicly owned treatment works
14 (as defined in section 212 of the Federal
15 Water Pollution Control Act (33 U.S.C.
16 1292)); or

17 (B) a State, local, or Tribal government.

18 (c) NOTIFICATION REQUIREMENT.—

19 (1) DEFINITION OF APPROPRIATE CONGRES-
20 SIONAL COMMITTEES.—In this subsection, the term
21 “appropriate congressional committees” means—

22 (A) the Committee on Environment and
23 Public Works of the Senate;

24 (B) the Committee on Homeland Security
25 and Governmental Affairs of the Senate;

1 (C) the Committee on Energy and Com-
2 merce of the House of Representatives; and

3 (D) the Committee on Oversight and Re-
4 form of the House of Representatives.

5 (2) REPORT.—

6 (A) IN GENERAL.—If a cooperative agree-
7 ment is not finalized or amended under sub-
8 section (b) by the date that is 1 year after the
9 date on which a request by the Governor or
10 chief executive of a State was made, the Presi-
11 dent shall submit a report described in subpara-
12 graph (B) to—

13 (i) the appropriate congressional com-
14 mittees;

15 (ii) each Senator from the State af-
16 fected by the perfluorinated compound con-
17 tamination; and

18 (iii) each member of Congress that
19 represents a district affected by the
20 perfluorinated compound contamination.

21 (B) REPORT DESCRIBED.—The report re-
22 ferred to in subparagraph (A) shall include—

23 (i) a detailed explanation of why a co-
24 operative agreement has not been finalized
25 or amended, as applicable; and

- 1 (ii) a projected timeline for finalizing
- 2 or amending a cooperative agreement, as
- 3 applicable.